

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:18-cv-00100

CAROLINE TRUCKING INC.,)
)
Plaintiff,)
)
vs.)
)
CANAL INSURANCE COMPANY,)
)
Defendant.)

**NOTICE OF REMOVAL
(DIVERSITY OF CITIZENSHIP)
28 U.S.C. § 1446(a)**

The Defendant, Canal Insurance Company, by and through its attorneys, hereby gives notice pursuant to 28 U.S.C. §§ 1441, 1446 , and 1367 that it has removed the action entitled *Caroline Trucking Inc. v. Canal Insurance Company*, in the General Court of Justice, Superior Court Division in and for Davidson County, North Carolina, File No. 18 CvD 00104 (the “State Court Action”), to the United States District Court for the Middle District of North Carolina. A copy of this Notice of Removal is being filed with the Clerk of the General Court of Justice, District Court Division in and for Davidson County, North Carolina, in order to effect removal pursuant to 28 U.S.C. § 1446(b). Pursuant to 28 U.S.C. § 1446(d), the State Court Action shall proceed no further unless and until this case is remanded.

Grounds for Removal

1. This action was filed in the General Court of Justice, District Court Division in and for Davidson County, North Carolina, on January 16, 2018.

2. The Complaint was served on Defendant Canal Insurance Company, at the earliest, via certified mail on January 19, 2018. This Notice of Removal is being filed within 30 days of the date that the Complaint was received by Defendant Canal Insurance Company. 28 U.S.C. §§ 1446(b).

3. This case is removable under 28 U.S.C. § 1332 (“Diversity of Citizenship”) because Defendant Canal Insurance Company is a citizen of a different state than Plaintiff Caroline Trucking Inc., and because the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* Compl. ¶¶ 1, 2, 26, and 28.

4. Plaintiff Caroline Trucking Inc. is a corporation organized and existing under the laws of the State of North Carolina with an office and principal place of business in Stokesdale, Guilford County, North Carolina. Compl. ¶ 1. Defendant Canal Insurance Company is a corporation organized and existing under the laws of the State of South Carolina, with its principal place of business in the South Carolina. Compl. ¶ 2.

5. The Complaint asserts claims for Breach of Contract and Unfair and Deceptive Trade Practices, and seeks damages in excess of \$75,000.

6. Pursuant to 28 U.S.C. § 1446(a), a true and legible copy of all process, pleadings, orders, and other papers or exhibits of every kind currently on file in the State Court Action are attached to this Notice as **Exhibit A**.

7. Copies of this Notice are being provided to all adverse parties and a copy hereof is being filed with the Clerk of Superior Court for Davidson County, all in accordance with the provisions of 28 U.S.C. §1446(d).

WHEREFORE, Defendant Canal Insurance Company requests that the State Court Action be removed to the United States District Court for the Middle District of North Carolina.

This the 14th day of February, 2018.

GOLDBERG SEGALLA LLP

/s/ David G. Harris II

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Attorney for Defendant Canal Ins. Co.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the foregoing Notice of Removal was served upon all counsel of record via first class mail, postage prepaid, addressed as follows:

Chad C. Freeman
102 W. 1st Ave., Suite C
Lexington, North Carolina 27292
Telephone: 336.751.2918
Attorney for Plaintiff

This the 14th day of February, 2018.

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